

WESTON POLICE DEPARTMENT

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To: Town Manager Leon Gaumond
From: Chief Michael Goulding
Date: September 3, 2020
Re: Town Meeting

In response to your request from Select Board Chair Mr. Houston, I offer a few comments about Article 27 for Weston's 2020 Annual Town Meeting.

Article 27 entitled APPROVING A GENERAL ORDER ON FEDERAL IMMIGRATION ENFORCEMENT AND RELATED MATTERS (as supplied by petitioners) asks if the Town will vote to recommend to the Select Board, that they adopt a proposed regulation with regard to the operations of the Town of Weston Police Department. This regulation would direct the police chief issue a General Order restricting the Weston Police from participating in the enforcement of Federal Immigration Law so that Weston is a "Welcoming Community".

General Orders are used to address concerns, deficiencies, initiate best practices and promote consistency in police department operations. Article 27 presupposes that the Weston Police Department is engaged in the practice of immigration enforcement or bases its interaction with the community on a person's immigration status.

Weston Police Department members are not taught, encouraged or allowed to enforce Federal Immigration Laws. I do not know of any police department that does. The Department does not inquire about a persons' immigration status period. The existence of this narrative, that local police officers are engaged in the practice immigration enforcement, is destructive to immigrant communities and only creates fear and mistrust. We cannot and would not be able to effectively serve our communities with this alleged practice.

The Weston Police Department prides itself on being part of the community, building trust and serving all. Not only is this spoken in word, but the proof is in action. The Weston Police Department is not known for policing based on immigration status, has not received any accusations or complaints for conducting itself in this manner and does not have a reputation for such activity. In the last five years, the Weston Police Department assisted Department of Homeland Security (Immigration and Custom Enforcement) officials only once and that was to assist in serving a criminal warrant for Human Trafficking.

The Article 27 Explanation states:

“The petitioners assert that this article would create a regulation affirming the Town’s commitment to equal treatment and nondiscrimination for all people regardless of immigration status protected under the laws of Massachusetts and the United States. The involvement of local law enforcement in enforcing immigration law, increases the risk of profiling, and may be a deterrent to crime reporting and education. Regulation is written to protect Weston taxpayers from unnecessary holding costs, extra duties and expensive lawsuits over the violation of due process. This regulation would:

1. Prevent Weston Police from inquiring about immigration status
2. Guarantee due process
3. Limit notifications to ICE
4. End any collaboration agreements with ICE.

This regulation would not interfere with crime fighting or protect someone convicted of a crime. The petitioners note that several other Massachusetts cities and towns have adopted this regulation, it is based on the Safe Communities Act S.1401/H.3573 that is working its way through the MA legislature. The petitioners believe that, as a matter of moral principal, and public safety Weston should strive to create a safer environment for everyone, and to increase public confidence in law enforcement by providing guidelines.

In response to the four items above, we do not inquire about immigration status. Due process is intact because we do not inquire about status. We do not make notifications to ICE unless there is a serious criminal crime or criminal warrant. Lastly, we have no collaboration agreements with ICE, either official or unofficial. This warrant article does not accomplish its stated intent. It is a non-issue.